

**Fife M. Whiteside**

---

**From:** Steve Gunby [sgg@psstf.com]  
**Sent:** Thursday, October 31, 2013 9:21 AM  
**To:** whitesidef@mindspring.com  
**Subject:** Leslie McDaniel Adversary Proceeding

Fife,

The City Attorney has sent to me the complaint you filed on behalf of Leslie McDaniel against the City of Columbus. In reviewing the complaint, the only references that relate to the City are to the taxes owed on the subject property and the fact that the city has cited Leslie McDaniel, as the owner of record, for failure to maintain the property. I do not see that you have prayed for any relief or damages against the City.

Ad Valorem Taxes - The ad valorem taxes, by Georgia law, are superior to any consensual mortgage and cannot be discharged in McDaniel's Chapter 13 case. If the property is sold, those taxes, together with statutory interest must be paid in full. If the property is not sold, the taxes should be paid through the Chapter 13 plan.

Citation for violation of maintenance obligations - Since McDaniel is the title owner of the property, it was appropriate for the City to cite her for violations pertaining to its maintenance. From reading the complaint, it does not appear that she either alleges that the City did anything wrong in citing her or that she is not the owner of record. The citation is only a referenced in the complaint as something that has occurred. No relief is sought against the City as a result of citing her.

The City does not need to continue to be a party in the case and it would be costly for the City to pay me to participate.

Would you agree to stipulate that the City is entitled to be paid the ad valorem taxes and any amounts expended to remediate the Code violations when the property sells or through the Chapter 13 plan if she keeps the house? If so, would you further agree to dismiss the City from the action on those terms?

An answer to the Complaint is due in less than 3 weeks so I will appreciate you getting back to me at your earliest convenience.

Thanks. SGG

**Stephen G. Gunby**  
Page Scranton Sprouse Tucker & Ford, P.C.  
Synovus Centre  
1111 Bay Avenue, Third Floor  
Columbus, GA 31901  
P.O. Box 1199  
Columbus, GA 31902  
Email: [sgg@psstf.com](mailto:sgg@psstf.com)  
Direct Dial: (706) 243-5630  
Fax: (706) 596-9992

---

Ex.1

**Fife M. Whiteside**

**From:** Fife M. Whiteside [whitesidef@mindspring.com]  
**Sent:** Thursday, October 31, 2013 10:50 AM  
**To:** 'Steve Gunby'  
**Subject:** RE: Leslie McDaniel Adversary Proceeding

I sent you a copy of the complaint since I knew they would call you. I can stipulate that the taxes are superior and that the stay does not apply to the grass cuttin' citation. Can't let the city out though because I am trying to sell the property out from under the Suntrust lien and they are a necessary party to the 363 sale. I talked to the mayor about this a while back and told her I was trying to create a tool to force sale of zombie properties and she thought it was a good idea. I would think they would want to get the property sold. No?

fmw  
Fife M. Whiteside  
Box 5383  
Columbus, GA 31906  
706 320 1215 (office)  
706 326 7866 (cell)  
706 568 7607 (home)

Ex.2

This e-mail is covered by the Electronic Communications Privacy Act, 18 U.S.C. §§ 2510-2521 and is legally privileged. The preceding message and any attachments may contain confidential information protected by the Attorney-Client privilege or other privilege. If you believe that you have received this message in error, please respond to or notify the sender then destroy the message.

---

**From:** Steve Gunby [mailto:[sgg@psstf.com](mailto:sgg@psstf.com)]  
**Sent:** Thursday, October 31, 2013 9:21 AM  
**To:** [whitesidef@mindspring.com](mailto:whitesidef@mindspring.com)  
**Subject:** Leslie McDaniel Adversary Proceeding

Fife,  
The City Attorney has sent to me the complaint you filed on behalf of Leslie McDaniel against the City of Columbus. In reviewing the complaint, the only references that relate to the City are to the taxes owed on the subject property and the fact that the city has cited Leslie McDaniel, as the owner of record, for failure to maintain the property. I do not see that you have prayed for any relief or damages against the City.

Ad Valorem Taxes - The ad valorem taxes, by Georgia law, are superior to any consensual mortgage and cannot be discharged in McDaniel's Chapter 13 case. If the property is sold, those taxes, together with statutory interest must be paid in full. If the property is not sold, the taxes should be paid through the Chapter 13 plan.

Citation for violation of maintenance obligations - Since McDaniel is the title owner of the property, it was appropriate for the City to cite her for violations pertaining to its maintenance. From reading the complaint, it does not appear that she either alleges that the City did anything wrong in citing her or that she is not the owner of record. The citation is only a referenced in the complaint as something that has occurred. No relief is sought against the City as a result of citing her.

The City does not need to continue to be a party in the case and it would be costly for the City to pay me to participate.

Would you agree to stipulate that the City is entitled to be paid the ad valorem taxes and any amounts expended to remediate the Code violations when the property sells or through the Chapter 13 plan if she keeps the house? If so, would you further agree to dismiss the City from the action on those terms?

An answer to the Complaint is due in less than 3 weeks so I will appreciate you getting back to me at your earliest convenience.

Thanks. SGG

Stephen G. Gunby  
Page Scranton Sprouse Tucker & Ford, P.C.  
Synovus Centre  
1111 Bay Avenue, Third Floor  
Columbus, GA 31901  
P.O. Box 1199  
Columbus, GA 31902  
Email: [sgg@psstf.com](mailto:sgg@psstf.com)  
Direct Dial: (706) 243-5630  
Fax: (706) 596-9992

**Fife M. Whiteside**

**From:** Steve Gunby [sgg@psstf.com]  
**Sent:** Thursday, October 31, 2013 10:55 AM  
**To:** Fife M. Whiteside  
**Subject:** RE: Leslie McDaniel Adversary Proceeding

Understand but since the 363 motion is part of your complaint and on the 363 motion the only issue that the city would be involved in would be whether or not it has a lien and when it gets paid, can't we stipulate that the city has a lien and will get paid at closing? That is all that I would ask the court to order when the matter comes up.

Stephen G. Gunby  
Page Scranton Spouse Tucker & Ford, P.C.  
Synovus Centre  
1111 Bay Avenue, Third Floor  
Columbus, GA 31901  
P.O. Box 1199  
Columbus, GA 31902  
Email: [sgg@psstf.com](mailto:sgg@psstf.com)  
Direct Dial: (706) 243-5630  
Fax: (706) 596-9992

Ex.3

**From:** Fife M. Whiteside [mailto:[whitesidef@mindspring.com](mailto:whitesidef@mindspring.com)]  
**Sent:** Thursday, October 31, 2013 10:50 AM  
**To:** Steve Gunby  
**Subject:** RE: Leslie McDaniel Adversary Proceeding

I sent you a copy of the complaint since I knew they would call you. I can stipulate that the taxes are superior and that the stay does not apply to the grass cuttin' citation. Can't let the city out though because I am trying to sell the property out from under the Suntrust lien and they are a necessary party to the 363 sale. I talked to the mayor about this a while back and told her I was trying to create a tool to force sale of zombie properties and she thought it was a good idea. I would think they would want to get the property sold. No?

fmw  
Fife M. Whiteside  
Box 5383  
Columbus, GA 31906  
706 320 1215 (office)  
706 326 7866 (cell)  
706 568 7607 (home)

This e-mail is covered by the Electronic Communications Privacy Act, 18 U.S.C. §§ 2510-2521 and is legally privileged. The preceding message and any attachments may contain confidential information protected by the Attorney-Client privilege or other privilege. If you believe that you have received this message in error, please respond to or notify the sender then destroy the message.

**From:** Steve Gunby [mailto:[sgg@psstf.com](mailto:sgg@psstf.com)]  
**Sent:** Thursday, October 31, 2013 9:21 AM  
**To:** [whitesidef@mindspring.com](mailto:whitesidef@mindspring.com)  
**Subject:** Leslie McDaniel Adversary Proceeding

Fife,

The City Attorney has sent to me the complaint you filed on behalf of Leslie McDaniel against the City of Columbus. In reviewing the complaint, the only references that relate to the City are to the taxes owed on the subject property and the fact that the city has cited Leslie McDaniel, as the owner of record, for failure to maintain the property. I do not see that you have prayed for any relief or damages against the City.

Ad Valorem Taxes - The ad valorem taxes, by Georgia law, are superior to any consensual mortgage and cannot be discharged in McDaniel's Chapter 13 case. If the property is sold, those taxes, together with statutory interest must be paid in full. If the property is not sold, the taxes should be paid through the Chapter 13 plan.

Citation for violation of maintenance obligations - Since McDaniel is the title owner of the property, it was appropriate for the City to cite her for violations pertaining to its maintenance. From reading the complaint, it does not appear that she either alleges that the City did anything wrong in citing her or that she is not the owner of record. The citation is only a referenced in the complaint as something that has occurred. No relief is sought against the City as a result of citing her.

The City does not need to continue to be a party in the case and it would be costly for the City to pay me to participate.

Would you agree to stipulate that the City is entitled to be paid the ad valorem taxes and any amounts expended to remediate the Code violations when the property sells or through the Chapter 13 plan if she keeps the house? If so, would you further agree to dismiss the City from the action on those terms?

An answer to the Complaint is due in less than 3 weeks so I will appreciate you getting back to me at your earliest convenience.

Thanks. SGG

**Stephen G. Gunby**  
Page Scranton Sprouse Tucker & Ford, P.C.  
Synovus Centre  
1111 Bay Avenue, Third Floor  
Columbus, GA 31901  
P.O. Box 1199  
Columbus, GA 31902  
Email: [sgg@psstf.com](mailto:sgg@psstf.com)  
Direct Dial: (706) 243-5630  
Fax: (706) 596-9992

**Fife M. Whiteside**

**From:** Fife M. Whiteside [whiteside@mindspring.com]  
**Sent:** Thursday, October 31, 2013 11:03 AM  
**To:** 'Steve Gunby'  
**Cc:** Leslie L. McDaniel; Leslie McDaniel (LLMCD1@aol.com)  
**Subject:** RE: Leslie McDaniel Adversary Proceeding

I think we could do a stipulation to that effect, and leave the City in till we get a final order approving the sale and then engraft the stipulation into the sales order. I think the city has to be kept as a party until then.

Let me be clear, part of my (personal) motivation here is to create a vehicle to deal with zombies in bankruptcy. As it is now, there are hundreds of these properties in Columbus, and no way to move them into the bank, force a sale, or protect people who are bankrupt from keeping up property they do not own. Leslie knows this is my agenda and agrees to it.

Let's take the long view and try to do something to help the public here as well as my client.

Fw

**Ex.4**

fmw  
Fife M. Whiteside  
Box 5383  
Columbus, GA 31906  
706 320 1215 (office)  
706 326 7866 (cell)  
706 568 7607 (home)

This e-mail is covered by the Electronic Communications Privacy Act, 18 U.S.C. §§ 2510-2521 and is legally privileged. The preceding message and any attachments may contain confidential information protected by the Attorney-Client privilege or other privilege. If you believe that you have received this message in error, please respond to or notify the sender then destroy the message.

---

**From:** Steve Gunby [mailto:[sgg@psstf.com](mailto:sgg@psstf.com)]  
**Sent:** Thursday, October 31, 2013 10:55 AM  
**To:** Fife M. Whiteside  
**Subject:** RE: Leslie McDaniel Adversary Proceeding

Understand but since the 363 motion is part of your complaint and on the 363 motion the only issue that the city would be involved in would be whether or not it has a lien and when it gets paid, can't we stipulate that the city has a lien and will get paid at closing? That is all that I would ask the court to order when the matter comes up.

Stephen G. Gunby  
Page Scranton Sprouse Tucker & Ford, P.C.  
Synovus Centre  
1111 Bay Avenue, Third Floor  
Columbus, GA 31901  
P.O. Box 1199  
Columbus, GA 31902  
Email: [sgg@psstf.com](mailto:sgg@psstf.com)  
Direct Dial: (706) 243-5630